

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

ZACHARY LADNER, A MINOR, BY KRYSTAL LADNER
NATURAL GUARDIAN AND NEXT FRIEND

PLAINTIFF

V.

CAUSE NO. 2:12CV19KS-MTP

FORREST GENERAL HEALTH SERVICES, INC.
d/b/a FORREST GENERAL HOSPITAL,
HIGHLAND COMMUNITY HOSPITAL,
JAMES WINDER, M.D. PICAYUNE EYE CLINIC, P.A.
d/b/a PICAYUNE EYE CLINIC
and LORI L. BLACKMER, M.D.

DEFENDANTS

ORDER DISMISSING JAMES WINDER, M.D. AS AN INDIVIDUALLY NAMED DEFENDANT

This day, this cause came before the Court on the Motion of the Defendant, Forrest General Hospital to dismiss James Winder, M.D. as an individually named Defendant against whom a Judgment could be rendered, and the Court being advised in the premises finds as follows:

I

James Winder, M.D. was the emergency physician on duty in the emergency department at Highland Community Hospital, a department of Forrest General Hospital, at the time of events complained of in this action.

II

James Winder, M.D. was an employee of Forrest General Hospital at the time of events complained of. Consequently, pursuant to Miss. Code Ann. §11-46-7, an employee of a governmental entity, in this instance, Forrest General Hospital, may be joined in an action only in a representative capacity, but no employee shall be held personally liable for

alleged acts of omission/co-mission occurring within the course and scope of that employee's duties.

III

Accordingly, the Court finds that while James Winder, M.D. may remain in this action in a representative capacity only, he should be dismissed as an individually named Defendant against whom liability and/or damages can be imposed.

IT IS THEREFORE ORDERED and ADJUDGED, that while James Winder, M.D. may be allowed to remain in this action only in a representative capacity for Forrest General Hospital, James Winder, M.D. as an individually named defendant against whom an individual judgment can be imposed is herewith dismissed.

SO ORDERED AND ADJUDGED on this the 20th day of March, 2012.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE

Approved by:

/s/Charles M. Merkel, Jr.
Charles M. Merkel, Jr. (MSB#2884)
Attorney for Zachary Ladner, a Minor, by
Krystal Ladner, Natural Guardian and
As Next Friend

/s/J. Robert Ramsay
J. Robert Ramsay, Esq. (MSB#4617)
Attorney for Forrest General Hospital
And James Winder, M.D.